

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE BOARD OF TEACHING

In the Matter of the Teaching
License of Jill M. Schlueter.

**FINDINGS OF FACT,
CONCLUSIONS AND
RECOMMENDATION**

The above-entitled matter came on for a prehearing conference before Administrative Law Judge Allan W. Klein on Wednesday, September 25, 2002, at 1:30 p.m. at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota. The record closed on the date of the prehearing conference.

Bernard E. Johnson, Special Assistant Attorney General, 525 Park Street, Suite 200, St. Paul, Minnesota 55103, appeared on behalf of the Minnesota Board of Teaching. There was no appearance by or on behalf of Jill M. Schlueter ("the Respondent").

NOTICE

This Report is a recommendation, not a final decision. The Minnesota Board of Teaching will make the final decision after a review of the record. The Board may adopt, reject or modify the Findings of Fact, Conclusions and Recommendations contained herein. Pursuant to Minn. Stat. § 14.61, the final decision of the Board shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the Board. Parties should contact Michael L. Tillmann, Executive Secretary, Minnesota Board of Teaching, 1500 Highway 36 West, Roseville, Minnesota 55113, telephone (651) 582-8833, to ascertain the procedure for filing exceptions or presenting argument.

STATEMENT OF ISSUE

The issue in this contested case proceeding is whether or not the Respondent's teaching license should be subject to disciplinary action.

Based upon all of the proceedings herein, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. The Notice of and Order for Hearing in this matter was served upon the Respondent by first class mail at 273 Westgate Terrace in Winstead, MN 55395-6544.

2. The Notice sent to the Respondent stated in part:

If Respondent fails to appear at the prehearing conference, settlement conference, or hearing without the prior consent of Administrative Law Judge Klein, or if Respondent fails to comply with any interlocutory order of the Administrative Law Judge, Respondent shall be deemed in default of this matter. Upon default, the allegations set forth herein may be taken as true or the issues herein may be deemed proved without further evidence, and the Board of Teaching may revoke or suspend Respondent's teaching license in the State of Minnesota.

3. The Respondent did not file a Notice of Appearance or request a continuance of the prehearing conference.

4. The Respondent failed to appear at the prehearing conference on September 25, 2002, and no one appeared on her behalf.

5. That because the Respondent failed to appear at the prehearing conference in this matter, she is in default in this proceeding.

6. Pursuant to Minn. Rules part 1400.6000, the allegations contained in the Notice of and Order for Hearing are hereby taken as true and incorporated into these Findings of Fact.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. That the Minnesota Board of Teaching and the Administrative Law Judge have jurisdiction in this matter pursuant to Minn. Stat. §§ 14.50, 122A.20, and 214.10.

2. That the Board has given proper notice of the hearing in this matter and has fulfilled all relevant substantive and procedural requirements of law or rule.

3. The Respondent is in default in this proceeding.

4. The Respondent violated Minn. Stat. § 122A.20, subd. 1(a)(3) based upon the facts set out in the Notice of and Order for Hearing.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS HEREBY RECOMMENDED: that disciplinary action be taken against the teaching license of Jill M. Schlueter.

Dated this 1st day of October 2002.

S/ Allan W. Klein

ALLAN W. KLEIN

Administrative Law Judge

Reported: Default.

NOTICE

Pursuant to Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail.